REMARKS

In response to the final Office Action mailed November 14, 2008, Applicant respectfully requests reconsideration. To further the prosecution of this application, amendments have been made in the claims, and each of the rejections set forth in the Office Action has been carefully considered and is addressed below. The claims as presented are believed to be in condition for allowance.

Claims 1-41 were previously pending in this application. Claims 1, 4, 13, 16, 25 and 27 are amended herein. Claims 42-53 are added herein. No claims are canceled. As a result, claims 1-53 remain pending for examination, with claims 1, 4, 13, 16, 25 and 27 being independent. No new matter has been added.

Telephone Interview With Examiner

The undersigned thanks Examiner Swearingen for the courtesies extended in granting and conducting a telephone interview on January 12, 2009. The substance of the interview is summarized herein.

Claim Rejections Under 35 U.S.C. §102

Claims 1-41 are rejected under 35 U.S.C. §102(e) as purportedly being anticipated by U.S. Patent No. 6,615,258 to Barry et al. ("Barry"). Each of independent claims 1, 4, 13, 16, 25 and 27 is amended herein, and patentably distinguishes over Barry.

A.   Finality Of Office Action

During the interview, the undersigned questioned the propriety of making the Office Action final. In this respect, the Office Action states that "Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, this Action is made final" (p. 5). However, the undersigned pointed out that the claims were not amended in the most recent

response filed October 26, 2008, but rather that the previous rejection of the claims as purportedly being obvious had been overcome solely through arguments presented in the October 26, 2008 response.

The Examiner indicated a belief that any Office Action issued subsequent to claim amendments having been made could properly be made final. As a result, the Examiner stated a belief that because Applicant's response filed April 25, 2008 included claim amendments, not only could the last Office Action (issued August 6, 2008) properly be made final, but the present Office Action could be as well, even if no claim amendments were needed to overcome the rejections in the last Office Action.

Applicant respectfully points out that M.P.E.P. §706.07(a), which the Office Action cites in support of its statement that the Office Action is made final because claim amendments necessitated the new ground(s) of rejection (i.e., on p. 5), explicitly states that a second or subsequent action on the merits shall not be made final "where the Examiner introduces a new ground of rejection that is neither necessitated by Applicant's amendment of the claims, nor based on information submitted in an information disclosure statement[.]" M.P.E.P. §706.07(a). A new ground of rejection has been introduced in the present Office Action, and this new ground of rejection was not necessitated by Applicant's claim amendments or the filing of an IDS – if it had been, then the rejection should have been made in the Office Action which followed the amendments to the claims (i.e., the August 6, 2008 Office Action). Rather, the new ground of rejection arose from the Applicant having overcome the previous rejection through argument, which caused the Examiner to perform a new search to locate the reference cited in the present Office Action. Thus, the present Office Action should not have been made final.

Accordingly, Applicant respectfully requests that the finality of the Office Action be withdrawn.

A.   Brief Overview Of Embodiments Of The Invention

The discussion then turned to an overview of embodiments of the invention, which relate generally to performing context management (see Applicant's specification at, e.g., p.5, lines 6-7). As background, it was explained that in some settings, multiple software applications may access data relating to common entities, or "subjects" (p. 1, lines 9–10). For example, in the healthcare field, multiple applications may be used to access data relating to a particular patient (p. 1, lines 10–12). For example, a user in a doctor's office may employ one application to access clinical data (e.g., x-ray images or blood work results) on a patient, and another to access financial data (e.g., insurance coverage or billing history), on the patient (p. 1, lines 12–14).

Data describing a given subject (in the example given above, a patient) that is accessed by multiple applications is referred to in Applicant's specification as a "context" which is defined by the subject (p. 1, lines 22–23). Although patient data is an illustrative example, other data may define a subject as well, such as data relating to a clinical encounter, provider, observation, insurer, user (e.g., to enable "single sign-on" capabilities for the multiple applications) and/or other data (p. 1, lines 15-19). In addition, shared subjects may be used in fields other than healthcare (p. 1, lines 15-21).

Before the advent of context management systems, a user employing multiple applications to access data on a particular subject was required to repeat the entry of information describing the subject to each application (p. 1, lines 14–15). However, when a context management system is employed, and multiple applications share a context defined by a subject, when a user switches the context by changing the data for the subject (e.g., by switching from one patient to another within one of the applications), all of the applications may switch to display the new data for the subject (e.g., by retrieving and displaying the new patient's data) (p. 3, line 25 – p. 4, line 26).

Certain aspects of the present invention relate to performing context management in a networked environment (p. 12, lines 7–10). For example, one embodiment of the invention relates specifically to emulated applications, wherein an application executes on a remote application server and is emulated (e.g., via the Citrix MetaFrame and ICA architecture) on a client device (p. 13, lines 8–10). In this respect, Applicant has recognized that when applications that may share a context include a remote application and a desktop application, it may be desirable to verify that the remote application and the desktop application are associated with the same client (i.e., that the remote application is

emulated on the client on which the desktop application executes) to prevent a "rogue" application executing remotely from the desktop from intruding into the context (p. 25, lines 15–20). Accordingly, one embodiment of the invention provides a method for verifying that a remote application is emulated on the same client on which at least one desktop application executes, so that it may share a context with the desktop application(s) (p. 25, lines 20-22). In one embodiment, first information (e.g., a first identifier, such as a MAC address and/or other identifier) is received from the client, second information (e.g., a second identifier, such as a MAC address and/or other identifier) is received from the remote application server that identifies the client on which the remote application is emulated, and the information (e.g., the first and second identifiers) is compared to determine whether the remote application is emulated on the client on which the desktop application(s) execute(s) (p. 25, lines 22–25).

Another embodiment may be employed in system configurations in which a client emulates multiple remote applications executing on different remote application servers, to verify that remote applications executing on different remote application servers are emulated on the same client and can share a context (p. 29, lines 9–12). In one embodiment, first information (e.g., a first identifier) is received from a first remote application server which identifies the client on which a first remote application is emulated, second information (e.g., a second identifier) is received from a second remote application server which identifies the client on which a second remote application is emulated, and the information is examined to determine whether the first and second remote applications are emulated on the same client and may share a context (p. 29, lines 13–16).

The foregoing overview is provided to assist the Examiner in appreciating some aspects of the invention. However, this overview may not apply to each independent claim, and the language of each independent claim may differ in material respects from the overview above. Thus, Applicant respectfully requests that careful consideration be given to the language of each independent claim, and that each be addressed on its own merits, without relying on the overview provided above. In this respect, Applicant does not rely on the overview above to distinguish any of the claims over the prior art, but rather relies only upon the language of the claims and the arguments presented below.

B.   Rejection of Independent Claims 1, 4, 13, 16, 25 and 27

Each of independent claims 1, 4, 13, 16, 25 and 27 is rejected under 35 U.S.C. §102(e) as purportedly being anticipated by Barry. Each of independent claims 1, 13 and 25 includes limitations directed to verifying that at least one remote application is emulated on a first client which executes at least one client application, and may belong to a context with the at least one client application. Each of independent claims 4, 16 and 27 includes limitations directed to verifying that first and second remote applications are emulated on a same client, and may belong to a same context.

During the interview, it was pointed out that Barry says nothing at all relating to context management or to emulated applications. Thus, Barry clearly can not disclose verifying that an emulated application may belong to a context, as required by each independent claim. Rather, Barry discloses a "customer interface system" which includes a graphical user interface (GUI) that enables a user to access and interact with disparate services executing on separate legacy systems maintained by a telecommunications network service provider (col. 2, lines 1-12; col. 3, lines 34-41). An "application backplane," which is launched when a web page pointing to the service provider's web site is accessed, coordinates the operation of various objects employed by the GUI to provide access to the disparate services (col. 10, lines 39-48).

When it was pointed out to the Examiner during the interview that Barry has nothing to do with context management systems, the Examiner pointed to col. 12 of Barry which refers to a "context" at line 45. Barry clearly discloses that this "context" relates to access permissions, and not to a context defined by subject data for one or more subjects shared by multiple applications. Specifically, Barry discloses that the application backplane communicates with server components to obtain a COUser context object which defines the services which the user may access (col. 12, lines 35-44; col. 11, lines 1-6). The application backplane uses the information provided in the COUser context object to determine which buttons to install in a toolbar presented by the GUI (col. 12, lines 45-47). Thus, the reference by Barry to a "context" does not relate at all to a context defined by subject data for one or more subjects shared by multiple applications, as recited in each of the independent claims.

The Examiner suggested that amending each independent claim to further clarify what is meant by the terms "context management" and "emulated applications" may advance prosecution. Each independent claim has been so amended. Specifically, with respect to the emulation of applications, each independent claim has been amended to recite that emulation occurs via an emulation client program which executes on a remote client and displays output of at least one remote application executing on a remote application server. Support for this amendment may be found in Applicant's specification at, e.g., p.14, lines 4-9.

With respect to a context defined by subject data for at least one subject which is shared by multiple applications, each independent claim has been amended to recite that a change to the subject data instigated by one of the applications causes a change in the subject data for the other of the applications. Support for this amendment may be found in Applicant's specification at, e.g., p.3, lines 25-29.

In view of the foregoing, Applicant respectfully requests that the rejection of independent claims 1, 4, 13, 16, 25 and 27, and of the claims that depend respectively therefrom, under 35 U.S.C. §102(e) as purportedly being anticipated by Barry be withdrawn.

Because the independent claims are believed to distinguish over the prior art of record, Applicant has not separately argued the patentability of any dependent claims, solely to expedite this prosecution and focus on issues central to the allowability of all claims. Applicant does not, however, concede agreement with the manner in which the Office Action interprets any dependent claim, or that the additional limitations recited by any dependent claim are satisfied by the prior art of record. Applicant reserves the right to separately argue the patentability of any dependent claim in the future, despite seeing no reason to do so at this time.

New Claims

New claims 42-53 are added to further define Applicant's contribution to the art.

Claims 42, 44, 46, 48, 50 and 52 include limitations requiring that the context recited by claims 1, 4, 13, 16, 25 and 27, respectively, is administered in accordance with a Clinical Context

Object Workgroup (CCOW) standard. Claims 43, 45, 47, 49, 51 and 53 include limitations requiring that at least a portion of the subject data recited by claims 1, 4, 13, 16, 25 and 27, respectively, is healthcare-related.

Claims 42-43, 44-45, 46-47, 48-49, 50-51 and 52-53 depend from claims 1, 4, 13, 16, 25 and 27, respectively, and each is allowable for at least the same reasons as the respective independent claim.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. S1389.70015US00.

Dated: January 14, 2009   Respectfully submitted,

By _____
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